UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,482	11/26/2003	David H. Hanes	200308779-1	9550

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EXAMINER
ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 November 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>12-15-03</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to the application filed on November 26,

2003. Claims 1-48 are presented for examination.

References in applicant's IDS form 1449 have been considered.

Claim Rejections - 35 USC §102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by
> another filed in the United States before the invention thereof by the applicant for patent,
> or on an international application by another who has fulfilled the requirements of
> paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by
> the applicant for patent.

3.   Claims 1-48, are rejected under 35 U.S.C. 102(e) as being anticipated by

Palaniappan U.S. Patent No. **6,711,557.**

4.   As to claim 1, Palaniappan teaches a system comprising:

a client system including a plurality of functional components (see Fig. 1, col. 2,

line 58 – col. 3, line 12, client system and one or more applications); and

an agent executing in said client system for accessing a server and determining if

any messages identified as relating to at least one of said plurality of functional

components are available, wherein if a message identified as relating to at least one of

said plurality of functional components is available, said agent causing such message to

be output (col. 2, lines 9-24, col. 2, line 58 – col. 3, line 12, col. 4, lines 30-35 update monitoring process).

5.   As to claim 2, Palaniappan teaches the system of claim 1 wherein said plurality of functional components comprises firmware (col. 7, lines 40-42, firmware).

As to claim 3, Palaniappan teaches the system of claim 1 wherein said plurality of functional components comprises software (col. 7, lines 40-42, software).

6.   As to claim 4, Palaniappan teaches the system of claim 1 wherein said plurality of functional components comprises any selected from the group consisting of: firmware, peripheral device, host device, and software (col. 7, lines 40-42).

7.   As to claim 5, Palaniappan teaches the system of claim 1 wherein at least one of said messages comprise update notification for a corresponding one of said plurality of functional components (col. 4, lines 26-41).

8.   As to claim 6, Palaniappan teaches the system of claim 1 wherein at least one of said messages comprises an advertisement (col. 4, lines 26-41).

9.   As to claim 7, Palaniappan teaches the system of claim 1 wherein at least one of said messages has associated type information that identifies a type of the corresponding message (col. 4, lines 26-41).

10.   As to claim 8, Palaniappan teaches the system of claim 7 wherein said type comprises any selected from the group consisting of: an update notification, an advertisement, a tip, a warning, a special offer, and a recall notice (col. 4, lines 26-41).

11.   As to claim 9, Palaniappan teaches the system of claim 1 wherein said agent is configurable to determine whether to present a message identified as relating to at least one of said plurality of functional components based at least in part on a corresponding message type (col. 4, lines 26-41).

12.   As to claim 10, Palaniappan teaches the system of claim 1 wherein said agent is further operable to access a separate server to determine at least one network location for accessing said messages for at least one of the plurality of firmware components (col. 3, lines 13-42)

13.   As to claim 11, Palaniappan teaches the system of claim 1 wherein at least one of said messages has a triggering criteria associated therewith, said triggering criteria identifying at least one functional component to which the message relates; and wherein the agent is operable to perform said determining, based at least in part on the triggering criteria of each message (col. 4, lines 45-67).

14.   As to claim 12, Palaniappan teaches the system of claim 11 wherein in performing said determining, said agent determines whether at least one of said plurality of functional components satisfies the triggering criteria associated with any of said messages (col. 4, lines 45-67).

15.   As to claim 13, Palaniappan teaches a system comprising:

        a client system that is at least temporarily communicatively coupled via a communication network to a server system, wherein said client system comprises at least one firmware component (col. 3, lines 51-56, col. 2, line 58 – col. 3, line 12); and

an agent executing on the client system for determining from information on said server system if any updates are available for the at least one firmware component (col. 2, lines 58 – col. 3, line 12).

16.   As to claim 14, Palaniappan teaches the system of claim 13 wherein if an update is available for the at least one firmware component, said agent further executing on the client system for determining if the update is possessed by the client system (col. 45-51).

17.   As to claim 15, Palaniappan teaches the system of claim 14 wherein if the update is not possessed by the client system, said agent further executing on the client system for outputting notification of such an update being available (col. 4, lines 30-35).

18.   As to claim 16, Palaniappan teaches the system of claim 13 wherein said agent further executes on the client system for accessing said server system via said communication network (col. 3, lines 51-56).

19.   As to claim 17, Palaniappan teaches the system of claim 16 wherein said agent performs said accessing of said server system only if detected that the client system has a communication connection established with said communication network (col. 3, lines 51-56).

20.   As to claim 18, Palaniappan teaches system of claim 13 wherein the at least one firmware component resides on a host computer (col. 7, lines 40-42).

21.   As to claim 19, Palaniappan teaches the system of claim 13 wherein said client system comprises a peripheral device coupled to a host computer, and wherein the at least one firmware component resides on said peripheral device (col. 7, lines 40-42).

22.   As to claim 20, Palaniappan teaches the system of claim 13 wherein said agent is further operable to access a separate server to determine at least one network location for accessing update information for the at least one firmware component (col. 2, line 56 – col. 3, line 12, col. 3, lines 51-56).

23.   As to claim 21, Palaniappan teaches system of claim 13 wherein said agent is further operable to trigger download of an update responsive to user input (col. 4, lines 45-56).

24.   As to claim 22, Palaniappan teaches the system of claim 13 wherein agent is further operable to update the at least one firmware with a downloaded update (col. 4, lines 45-56).

25.   Claims 23-48 do not teach or define any new limitation above claims 1-12, therefore, they are rejected for similar reasons.

26.   **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the· applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
December 23, 2005

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER